

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Case 4172 PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE 2003/001975	International filing date (day/month/year) 17.12.2003	Priority date (day/month/year) 30.12.2002
International Patent Classification (IPC) or national classification and IPC A61C8/00		
Applicant Nobel Biocare AB (publ) et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 08.03.2004	Date of completion of this report 02.02.2005
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001975

Box No. I **Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001975

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>1-10</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-10</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The object of the invention concerns a device and arrangement for installation of a fixture in a jaw bone.

The following documents are cited in the International Search Report:

D1: SE 508662 C2

D2: WO 02053055 A1

D1 reveals a threaded fixture and an associated fixture holder. The fixture holder is equipped with protruding flange, which under surface is pressed against the surface of the jaw bone when the fixture is mounted. (See abstract and page 3, lines 3-12.)

D2 shows a device for determining the position of a sleeve, on the one hand in the vertical direction in relation to a fixture dummy. A expandable spacer, which is equipped with flanges (detail 7b and 7c), is pushed down from above, through a sleeve to make contact with the upper end of the fixture dummy. (See abstract and page 6, lines 14-35.)

D1 represents the most relevant prior art.

The invention according to claims 1-3 and 8 differs from D1 by the fact that a template is used, when the fixture is installed. The fixture is screwed in the jaw bone using the holder with flanges until the flange reaches the surface of the template, not the surface as in D1.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

However, using a template when mounting a fixture or drilling a hole for a fixture is well-known in the art. (See D2.)

It is considered obvious for a person skilled in the art to use a fixture and a fixture holder, according to D1, together with a template, according to D2, to be able to mount the implant in a precise way.

Consequently, claims 1-3 and 8 lack an inventive step.

The invention according to claim 4 is designed is the same as the implant and holder according to D1. (See abstract.)

Accordingly, claims 4 lack an inventive step.

Dependent claims 5-7, 9 and 10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step, since said features fall within the scope of the customary practice followed by persons skilled in the art.

Consequently, claims 5-7, 9 and 10 lack an inventive step.

Accordingly, the invention according to claims 1-10 is novel but is not considered to involve an inventive step. The invention is industrially applicable.